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SECTION L

INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS

L.1 NOTICE LISTING SOLICITATION PROVISIONS INCORPORATED BY REFERENCE

The following solicitation provisions pertinent to this section are hereby incorporated by reference (by citation number, title, and date) in accordance with the FAR provision at FAR "52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (JUN 1988)."

NUMBER	TITLE	DATE
52.215-5	SOLICITATION DEFINITIONS	JUL 1987
52.215-7	UNNECESSARILY ELABORATE PROPOSALS OR QUOTATIONS	APR 1984
52.215-8	AMENDMENTS TO SOLICITATIONS	DEC 1989
52.215-9	SUBMISSION OF OFFERS	FEB 1997
52.215-10	LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF PROPOSALS	FEB 1997
52.215-12	RESTRICTION ON DISCLOSURE AND USE OF DATA	APR 1984
52.215-13	PREPARATION OF OFFERS	APR 1984
52.215-14	EXPLANATION TO PROSPECTIVE OFFERORS	APR 1984
52.215-15	FAILURE TO SUBMIT OFFER	JUL 1995
52.215-16	CONTRACT AWARD, ALT II	OCT 1995
52.215-30	FACILITIES CAPITAL COST OF MONEY	SEP 1987
52.216-27	SINGLE OR MULTIPLE AWARDS	OCT 1995
52.216-28	MULTIPLE AWARDS FOR ADVISORY AND ASSISTANCE SERVICES	OCT 1995
52.222-24	PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE REVIEW	APR 1984
52.222-46	EVALUATION OF COMPENSATION FOR PROFESSIONAL EMPLOYEES	FEB 1993

L.2 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates multiple awards of indefinite delivery, indefinite quantity, advisory and assistance contracts using cost-plus-fixed-fee and cost-plus-incentive-fee pricing provisions resulting from this solicitation.

**L.3 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY
REFERENCE (JUN 1988)**

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available.

L.4 FAR 52.233-2 SERVICE OF PROTEST (AUG 1996)

- (a) Protests, as defined in Section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

Hand-Carried and Mailing Address:

Linda A. Hallum, Contracting Officer
Procurement Services Division
U. S. Department of Energy
Idaho Operations Office
850 Energy Drive, MS 1221
Idaho Falls, ID 83401-1563

- (b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

DEAR 952.233-2 SERVICE OF PROTEST

- (c) Another copy of a protest filed with the General Accounting Office shall be furnished to the following address within the time periods described in paragraph (b) of this clause:

U.S. Department of Energy
Assistant General Counsel for Procurement
and Financial Assistance (GC-61)
1000 Independence Avenue, S.W.
Washington, DC 20585

Fax: (202) 586-4546.

**L.5 DEAR 952.233-4 NOTICE OF PROTEST FILE AVAILABILITY
(SEP 1996)**

- (a) If a protest of this procurement is filed with the General Accounting Office (GAO) in accordance with 4 CFR Part 21, any actual or prospective offeror may request the Department of Energy to provide it with reasonable access to the protest file pursuant to FAR 33.104(a)(3)(ii), implementing section 1065 of P. L. 103-355. Such request must be in writing and addressed to the contracting officer for this procurement.
- (b) Any offeror who submits information or documents to the Department for the purpose of competing in this procurement is hereby notified that information or documents it submits may be included in the protest file that will be available to actual or prospective offerors in accordance with the requirements of FAR 33.104(a)(3)(ii). The Department will be required to make such documents available unless they are exempt from disclosure pursuant to the Freedom of Information Act. Therefore, offerors should mark any documents as to which they would assert that an exemption applies. (See 10 CFR part 1004.)

L.6 DEAR 952.233-5 AGENCY PROTEST REVIEW (SEP 1996)

Protests to the Agency will be decided either at the level of the Head of the Contracting Activity or at the Headquarters level. The Department of Energy's agency protest procedures, set forth in DEAR 933.103, elaborate on these options and on the availability of a suspension of a procurement that is protested to the agency. The Department encourages potential protestors to discuss their concerns with the contracting officer prior to filing a protest.

**L.7 DEAR 952.227.83, RIGHTS IN TECHNICAL DATA SOLICITATION
INSTRUCTION (APR 1984)**

The section of this solicitation which describes the work to be performed also sets forth DOE's known requirements for technical data. The Additional Technical Data Requirements clause, if included in this solicitation, provides the Government with the option to order additional technical data, the requirements for which are not known at the time of contracting. There is, however, a built-in limitation on the kind of technical data which may be required. This limitation provides that the contractor may withhold delivery of proprietary data. Accordingly, it is necessary that your proposal state that the work to be performed and the known requirements for technical data as set forth in the solicitation

have been reviewed, and either state that, to the best of your knowledge, no data will be withheld, or submit a list identifying the proprietary data which, to the best of your knowledge, will likely be used in the contract performance and will be withheld.

L.8 TIME, DATE, AND PLACE PROPOSALS ARE DUE

- (a) Mailed proposals shall be marked as follows:

From: _____

Ms. Wendy L. Huggins
U.S. Department of Energy
Idaho Operations Office
Procurement Services Division
PO Box 52280
Idaho Falls, ID 83405-2280

SOLICITATION NO. DE-RP07-97ID13485

DUE: *(Offeror insert date and time proposals are due)*

Hand carried proposals shall be marked as follows:

From: _____

Hand carry to:

Ms. Wendy L. Huggins
U.S. Department of Energy
Idaho Operations Office
Procurement Services Division
850 Energy Drive
Idaho Falls, ID 83401-1563

SOLICITATION NO. DE-RP07-97ID13485

DUE: *(Offeror insert date and time proposals are due)*

**NOTE: OFFERORS HAND CARRYING PROPOSALS TO THE ABOVE
ADDRESS MUST PROVIDE AT LEAST 24 HOURS ADVANCE
TELEPHONE NOTICE TO ARRANGE FOR DELIVERY.**

Wendy L. Huggins	(208) 526-2808
Linda A. Hallum	(208) 526-5545
Robert L. Pence	(208) 526-6518

- (b) The proposal is due as specified in block 9 of the Standard Form 33, Solicitation, Offer and Award.

(CAUTION: See the proposal submission instructions, including the provision describing treatment of late submissions, modifications, and withdrawals of proposals.)

- (c) If the offeror elects to forward the offer by means other than U.S. Postal Service means, it assumes full responsibility of insuring that the offer is received at the place and by the date and time specified in this solicitation.
- (d) Neither telegraphic nor facsimile offers shall be accepted.
- (e) It may not be possible to hand carry the package(s) outside the hours of 7:30 a.m. to 4:00 p.m. on Federal workdays. Delivery to any location other than the location specified above may result in the late receipt of the proposal and is strongly discouraged. Procurement Services Division personnel will not pick up packages delivered to the local airport.

L.9 NUMBER OF AWARDS

The Government anticipates awarding between three (3) and five (5) contracts as a result of this solicitation. However, the Government reserves the right to make any number of awards or no awards if it is considered to be in the Government's best interest to do so.

L.10 STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE, SIZE STANDARD, AND SET-ASIDE INFORMATION

- (a) For this solicitation, the Standard Industrial Classification (SIC) code is 8744 and the size standard is 500 employees.
- (b) This solicitation is expected to result in multiple awards, with a minimum of one award set aside for a small business concern. The number of set aside awards shall be based upon evaluated offers and the total number of awards made.

L.11 TASK ORDERS UNDER MULTIPLE AWARDS

Offerors should note that because awards under this solicitation are to be made to more than one contractor, the contract contains clauses in Section H concerning task order issuance. These clauses provide the procedures that shall be used by the Contracting Officer in providing each of the firms receiving an award under this solicitation a fair opportunity to be considered in the issuance of tasks.

L.12 INCLUSION ON MAILING LIST

To enable the DOE to keep our mailing list current, please send an e-mail message to hugginwl@inel.gov or a fax to the attention of Wendy L. Huggins at (208) 526-5548. The message should include company name, company address, point of contact, phone number, fax number, e-mail address, and the solicitation number. Notification of amendments will only be transmitted to those offerors that are included on the mailing list. Without such notification, prospective offerors may not be informed when amendments and other solicitation related information is issued.

L.13 INTENTION TO PROPOSE

To enable the DOE to anticipate the number of submissions to be evaluated, offerors are encouraged to advise DOE about their intent to propose. Please send an e-mail message to hugginwl@inel.gov or a fax to the attention of Wendy L. Huggins at (208) 526-5548. The message should include company name, company address, phone number, fax number, e-mail address, and the solicitation number. The intention to propose notification should be sent no later than 10 calendar days before the opening date of the solicitation.

L.14 FALSE STATEMENTS IN OFFERS

Proposals must set forth full, accurate, and complete information as required by this solicitation (including attachments). The penalty for making false statements in proposals is prescribed in 18 U.S.C. 1001.

L.15 EXPENSES RELATED TO PROPOSAL OR BID SUBMISSIONS

This solicitation does not commit the Government to pay any costs incurred in the submission of any proposal or in making necessary studies or designs for the preparation thereof or to acquire or contract for any services.

L.16 AVAILABILITY OF REFERENCED DOCUMENTS

Copies of DOE Orders may be obtained for a nominal fee by writing to the following address:

National Technical Information Services
US Department of Commerce
Springfield, VA 22161
Telephone number: (703) 487-4610

or

Internet address: <http://www.explorer.doe.gov>

L.17 SOLICITATION QUESTIONS

A pre-proposal conference shall not be held. Prospective offerors are requested to submit written questions concerning the solicitation via an e-mail message to hugginwl@inel.gov; or by fax to (208) 526-5548; or mail to the attention of Wendy L. Huggins by **April 18, 1997**. Each question should clearly specify the solicitation area (section number, page, etc.) to which it refers. When possible, questions should be phrased to permit **YES** or **NO** responses. Please mark questions with **Solicitation Questions--Solicitation No. DE-RP07-97ID13485,** to expedite handling. Questions shall be answered in writing.

L.18 ALTERNATE PROPOSAL INFORMATION

Alternate proposals are not solicited, are not desired, and shall not be evaluated.

L.19 MULTIPLE PROPOSALS

Companies are not prohibited from being identified on more than one proposal in response to this solicitation. However, offerors are reminded that their capability to effectively manage resources to ensure successful completion of all assigned tasks shall be evaluated and may be a discriminator considered by the Government in selecting proposals for award.

L.20 PROPOSAL PREPARATION INSTRUCTIONS - GENERAL

- (a) When the term ~~offeror~~ is used, it includes the prime contractor and all teaming contractors.
- (b) The Government intends to select and award contracts based upon initial written proposals. It is particularly important that each offeror be fully responsible for providing its best written proposal. In the event that awards are not made on initial written proposals, the Government shall establish a competitive range and conduct discussions.
- (c) Proposals shall conform to solicitation provision FAR 52.215-13 Preparation of Offers and shall be prepared in accordance with this solicitation. Proposals shall be clearly and concisely written, as well as being neat, indexed (cross-indexed as appropriate), and logically assembled. Three-ring binders shall be used for proposal submissions. Each volume shall contain a table of contents. All pages of each part shall be sequentially numbered by volume, with the volume number and page number on the bottom of each page. To the maximum extent practicable, the offeror's name, the date, and the solicitation number shall be entered in the upper right hand corner of each page.
- (d) The overall proposal shall consist of three (3) physically separate volumes, individually titled as stated below. The required number of each proposal volume is shown below. Each volume shall be labeled appropriately (e.g., Original, Copy 1, Copy 2, etc.).

<u>Proposal Volume - Title</u>	<u>Total Copies Required</u>	<u>Page Limit</u>
Volume I - Offer and Other Documents	Original and 3 copies	None
Volume II - Rate Proposal	Original and 3 copies	None
Volume III - Performance Approach	Original and 8 copies	50

- (e) The proposal page size shall be 8 1/2 inches by 11 inches. Proposals shall be typed; 12 characters per inch; and six lines per inch. Page instructions set forth in this paragraph constitute a limitation of the total amount of material in the proposals that shall be considered in the evaluation. No material may be incorporated in the proposal by reference or in attachments to the proposal as a means to circumvent

the page limitation. Pages that exceed the page limit identified above shall not be evaluated.

- (f) The Government shall consider an offeror=s noncompliance with these instructions, or attempts to take advantage of loopholes in these instructions, to be indicative of the type of conduct that it may expect from the offeror during contract performance.

L.21 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME I, OFFER AND OTHER DOCUMENTS

- (a) Volume I, Offer and Other Documents, consists of the actual offer to enter into a contract to perform the desired work. Volume I also includes representations, certifications, and other statements of the offeror, identification of technical data to be withheld, request for waiver of patent clauses, and other administrative information.
- (b) Volume I, Offer and Other Documents, shall include documents in the order listed. All documents shall be fully executed.
 - (1) Standard Form 33. The person signing the Standard Form 33 must have the authority to commit the offeror to all of the provisions of the proposal, fully recognizing that the Government has the right, by terms of the RFP, to make an award without further discussion if it so elects.
 - (2) Section B. Section B shall include the burdened fixed rate for each Direct Productive Labor Hour (DPLH), by labor category and the proposed fee ceiling rate (Attachment B-1). The burdened rates shall be identical to the rates outlined in the Rate Proposal Matrix at Attachment L-1.
 - (3) The offeror shall include a listing of equivalent labor categories. This listing represents the offeror=s personnel position structure that corresponds to the personnel qualifications listing attached to this solicitation. Each labor category shall identify the offeror=s minimum requirements for education and experience and shall identify the position on the Government personnel qualifications listing that most closely matches the offeror=s position.
 - (4) Section K, Offeror Representations, Certifications, and Other Statements of Offerors, including ¤Organizational Conflicts of Interest Disclosure or Representation.® All representations, certifications, and other statements

are to be executed by an authorized representative of the offeror.

- (5) Subcontractor(s) Representations, Certifications, and Other Statements of Offerors. All representations, certifications, and other statements are to be executed by an authorized representative of the proposed subcontractor.
- (6) Statement concerning withholding of technical data. Pursuant to the solicitation provision entitled "Rights in Technical Data Solicitation Instruction" (DEAR 952.227-83), the offeror shall provide the required statement.
- (7) Key Personnel. The offeror shall provide the name, resume (not to exceed two pages), and qualifications for the Program Manager, who shall be designated as key personnel. The proposal shall demonstrate that key personnel satisfy or exceed the position qualifications provided in Section J, Attachment J-2. Of particular importance for key personnel is the extent, depth, and quality of relevant work experience, as well as the quality and applicability of education, technical experience, and professional development. If the proposed program manager is not currently employed by the offeror, a letter of commitment shall be provided indicating his/her commitment to accept the position.
- (8) Subcontracting Plan. An offeror selected for award that is a large business concern shall submit a subcontracting plan in accordance with FAR 19.702. The subcontracting plan shall be finalized before issuance of any task orders, and must be approved by the Contracting Officer. A minimum of 15 percent of total contract obligated dollars shall be set aside for small, small disadvantaged, women-owned businesses. Offerors are expected to consider participation by Historically Black Colleges/Universities or Minority Institutions (HCBU/MI), and/or Hispanic Institutions since some funding may be subject to the Energy Policy Act of 1992.
- (9) Foreign Ownership, Control and Influence (FOCI) package. The FOCI package must be completed by all offerors selected for award.

L.22 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME II, RATE PROPOSAL

- (a) The offeror shall submit a fully completed Standard Form (SF) 1448, Proposal Cover Sheet, and a rate proposal. A SF 1448 is attached to this solicitation at Attachment L-1A. The rate proposal consists of a matrix of the offeror=s

equivalent labor categories, corresponding labor rates, a listing of all of the indirect rates and applicable bases, and supporting documentation. The rate proposal shall include all of the individuals and/or labor categories intended to be used on the contract and charged directly to the contract. The rates shall be supported by existing accounting records and computed in accordance with FAR Part 31. Unless specified, contractual cost information is not to be included in the other volumes.

- (b) The matrix submitted by each offeror shall be in the sample format shown in Attachment L-1. The burdened rates shown on this matrix shall be ceiling rates to be used in pricing the various tasks under the contract. The rates shall also be identical to the rates shown in Section B, Attachment 1. The sample matrix includes columns for fringe benefits, overhead, and general and administrative (G&A) rates. If any of these categories are not consistent with the offeror's accounting system, enter N/A. If the offeror has rates which are not included in the sample matrix, the offeror shall add columns to the matrix to include these additional rates (e.g., different departmental overhead rates) and the applicable bases. **A separate matrix shall be provided for each annual period from October 1, 1997, through September 30, 2002.** A separate matrix by year shall also be provided for each teaming contractor, and identified separately from the matrix for the offeror.
- (c) The offeror shall provide any forward pricing labor and indirect rate agreements. If labor and/or indirect rates are not approved by a Cognizant Contracting Officer, then the offeror shall provide adequate documentation to show how the rates are developed and calculated.
- (d) The offeror shall identify and discuss any escalation factors for salaries proposed in the contract out-years that are not covered by forward pricing agreements.
- (e) Financial statements.
 - (1) Provide a current balance sheet, profit and loss statement for all quarters reported on the current fiscal year, and an audited financial statement for each of the last three fiscal years.
 - (2) Describe fully any assets other than cash, accounts receivable, land, buildings, and equipment carried on the above balance sheet.
 - (3) Describe fully the impact of this project on the offeror's organization and any contingency, limitation, or conditions affecting availability of funds for

this project.

- (f) Statement concerning use of Government property.
 - (1) Unless otherwise stated, the offeror is expected to furnish all property (including, but not limited to facilities, equipment, special tooling, and material) necessary for the performance of the work defined in this solicitation. Government property as used herein means all Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government.
 - (2) Indicate whether any Government property furnished through another contract will be used. Provide all particulars, including identification of equipment and other contract number.

Note: Notwithstanding the above, the Government reserves the right under any resulting contract to furnish items of equipment, materials, supplies or facilities.

- (g) Compensation to Professional Employees under Federal Contracts for Services. See the requirements contained at FAR clause 52.222-46, Evaluation of Compensation for Professional Employees.

L.23 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME III - PERFORMANCE APPROACH

- (a) Management approach. The offeror shall provide a detailed discussion of its approach to effectively plan, manage, assign, and integrate resources to ensure successful accomplishment of the requirements of this solicitation.
 - (1) Discuss the principles, systems and procedures used to plan, manage, assign, track, and integrate internal resources, subcontractors, affiliates and teaming contractors, and define their functions and roles (task management).
 - (2) Discuss staffing, including key personnel (the program manager), resources, skill mix, experience, capabilities, and the offeror's technical approach to Section C, Statement of Work.
 - (3) Discuss the decision making authority of the program manager and any designated project manager; negotiation authorities; to whom the program manager reports; the process to be followed in obtaining decisions beyond

the program manager=s authority; and conflict resolution over resources not under the program manager=s direct control.

- (4) Discuss lines of communication, including offeror-internal communication, and external (e.g., between the offeror and the Government) communication. The offeror shall discuss how it will be prepared to respond promptly to performance problems or program changes.
 - (5) Discuss how the program manager shall obtain support from other corporate elements, including any subcontractors, consultants, affiliates, and all teaming contractor arrangements.
- (b) Past Performance/Experience. Offerors shall submit past performance information, in matrix format, not to exceed ten references, for the offeror, including any teaming contractors. Large business concerns shall include current contracts, and contracts completed within the past three (3) years, that exceed \$2 million. Small business concerns shall include current contracts, and contracts completed within the past three (3) years, that exceed \$500,000. Emphasis should be on contracts that demonstrate relevant experience. If an offeror does not have any contracts over these thresholds, the offeror shall include information on any contract awards, in decreasing dollar magnitude. **The past performance information matrix is not included in the Volume III page limit.**
- (1) Matrix information shall include the following items and shall follow the format at Attachment L-2.
 - (i) Name of contracting entity.
 - (ii) Customer (i.e., federal government agency, state or municipal government, or commercial customer).
 - (iii) Contract number.
 - (iv) Contract type.
 - (v) Total contract value.
 - (vi) A brief description of the work and its relevancy to this effort.
 - (vii) Contract administrator, telephone number, and fax number.
 - (viii) Technical administrator, telephone number, and fax number.

- (ix) Specific information on performance difficulties encountered on the identified contracts and the offeror's corrective actions. Failure to satisfactorily address past performance problems and explain how they were resolved may adversely impact the evaluation of past performance. If the resolution of past performance problems are not addressed they will be construed as unresolved.
- (2) Offerors lacking any past performance histories shall receive neutral evaluations for past performance.
- (3) Performance information shall also be used for responsibility determinations. The Government shall focus on information that demonstrates quality of performance relative to the size and complexity of the procurement under consideration. The Past Performance Questionnaire (Attachment L-3) shall be used to collect this information.
- (4) References other than those identified by the offeror may also be contacted by the Government and the information received used in the evaluation of the offeror's past performance.
- (c) Subcontracting approach. This section shall describe the subcontract management system to be used under the contract.
- (1) Describe procedures for source selection, including make-or-buy decisions; how performance status is determined, assessed, and projected through subcontract completion; selection of subcontract type; and subcontract cost control.
- (2) Describe the efforts which will be used to further socio-economic goals and to obtain participation of small business, small disadvantaged business, and women-owned business concerns.

L.24 CLASSIFIED MATERIAL

Performance under the proposed contract may involve access to classified material. If access to classified material is required, the offeror shall be required to obtain necessary security clearances for personnel who will have access to classified material.

L.25 RESPONSIBLE PROSPECTIVE CONTRACTORS

- (a) The general and additional minimum standards for responsible prospective contractors set forth at FAR 9.1 and DEAR 909.104-1 apply.
- (b) DOE may conduct preaward surveys in accordance with FAR 9.106 and may solicit from other available sources relevant information concerning the offeror's past performance record, and use such information in making determinations of prospective offeror=s responsibility.

L.26 INFORMATION OF AWARD

Written notice to unsuccessful offerors and contract award information shall be promptly released in accordance with DOE regulations.

L.27 DISPOSITION OF PROPOSALS

Proposals shall not be returned, except for timely withdrawals. Original copies of proposals shall be retained for the contract file. Other copies shall be destroyed at an appropriate time after contract award.